



COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

ANDY BESHEAR
ATTORNEY GENERAL

OAG 17-008

CAPITOL BUILDING, SUITE 118
700 CAPITOL AVENUE
FRANKFORT, KENTUCKY 40601
(502) 696-5300
FAX: (502) 564-2894

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Subject: Whether an educator preparation program provider may award credit towards a student teaching requirement for student teaching or field experience hours if the student also received a financial incentive from a school district or an education cooperative.

Requested by: Lisa Lang, Education Professional Standards Board,
General Counsel

Written by: Taylor Payne, Assistant Attorney General

Syllabus: Kentucky law does not prohibit an educator preparation program provider from awarding credit towards a student teaching requirement for student teaching or field experience hours in which the student also received a financial incentive from either the school district or an education cooperative.

Statutes construed: KRS 161.010; KRS 161.042; KRS 160.290

OAGs cited: OAG 63-269

Opinion of the Attorney General

Lisa Lang, General Counsel to the Education Professional Standards Board (EPSB), has requested an opinion from this office to address whether an educator preparation program provider is prohibited from awarding credit towards a student teaching requirement for student teaching if the student received a financial incentive from the school district in which the student taught. Ms. Lang further asks whether the answer is different if an education

cooperative, rather than the school district, provides the financial incentive to the student or if the student received a financial incentive for field experience, rather than student teaching. Ms. Lang informs this office that educator preparation program providers are typically either colleges or universities within the Commonwealth that offer a program of study to students in order to become a certified educator which are approved by the EPSB. She states that OAG 63-269 has been interpreted since its publication to prohibit an educator preparation program provider from awarding a student credit towards completion of an educator preparation program for student teaching if the student received a financial incentive for student teaching. Ms. Lang requests this office revisit OAG 63-269 in light of current Kentucky law.

In OAG 63-269, the Department of Education and Psychology at Georgetown College requested an opinion as to whether a student teacher may take charge of a classroom in the absence of the regular teacher. This office noted that "a school district is entitled to exercise not only those powers and duties expressly conferred by statute, but also those powers and duties which are necessarily implied." *Id.* (citing *Stateline Consol. Sch. Dist. v. Farewell Indep. Sch. Dist.*, 48 S.W.2d 616; KRS 160.160; KRS 160.290). This office recognized that pursuant to those powers a school district could determine that participating in the student teacher-training program best serves the school district's interests. *Id.* However, this office held that because KRS Chapters 157 and 161 required a local school board to employ competent and certified teachers, a student teacher could not exercise authority in the management or control of a classroom because the student teacher "is not a teacher within the meaning of the law." *Id.* This office provided further distinction between a student teacher and teacher, stating that the local board of education may not employ or compensate the student teacher. *Id.*

In our view, OAG 63-269 is correctly interpreted as outlining the authority and duties of a local school district when participating in a student teacher-training program, rather than prohibiting an educator preparation program provider from awarding credit to teacher education students for student teaching if the student is compensated for such work. In OAG 63-269, this office intended to define and distinguish the role of a student teacher juxtaposed to that of a certified teacher by stating that student teachers were neither employed nor compensated by the school board. That opinion exclusively applies to the powers

and duties of a local school board. Therefore, it should not be inferred that OAG 63-269 holds that a student teacher who receives a financial incentive for student teaching is no longer a student teacher for purposes of gaining credit towards completion of an educator preparation program.

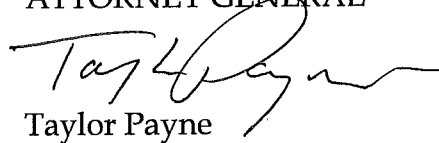
KRS 161.042 was enacted after this office's decision in OAG 63-269 and defines the status of a student teacher. It states that a student teacher has "the same legal status and protection as a certified teacher employed within the school district and shall be responsible to the administrative staff of the school district and the supervising teacher to whom he or she is assigned." KRS 161.042(4). KRS 161.010(4) defines a student teacher as a teacher education student

Who has completed the prerequisite teacher preparation as prescribed by the accredited teacher education institution in which he or she is enrolled, and who is jointly assigned by the institution and a local school district to engage in a period of practice teaching under the direction and supervision of the administrative and teaching staff of the school district and the institution.

EPSB is required to "provide through administrative regulation for the utilization of the common schools for the preparation of teacher education students from the colleges and universities." KRS 161.042(1). Title 16 of the Kentucky Administrative Regulations (KAR) contains the administrative regulations promulgated by the Education Professional Standards Board. In particular, 16 KAR Chapter 5 governs educator preparation programs.

Our review of KRS Chapter 161 and 16 KAR Chapter 5 reveals no express or implied prohibition of an educator preparation program provider from awarding credit for student teaching or field experience for which the teacher education student received a financial incentive. Furthermore, we see no inherent conflict of current Kentucky statutes and regulations with OAG 63-269 and thus decline to reconsider that opinion. In sum, Kentucky law does not prohibit an educator preparation program provider from awarding credit to a teacher education student for student teaching or field experience for which the student received a financial incentive from either the school district or an education cooperative.

ANDY BESHEAR
ATTORNEY GENERAL

A handwritten signature in black ink, appearing to read "Taylor Payne", written over the printed name.

Taylor Payne
Assistant Attorney General

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